

**ARIZONA DEPARTMENT OF HEALTH SERVICES
OFFICE OF THE ASSISTANT DIRECTOR
SUBSTANTIVE POLICY STATEMENT # SP-018-ALS-OAD**

**DIRECT RISK TO THE LIFE, HEALTH OR SAFETY OF PATIENTS OR RESIDENTS IN A
RESIDENTIAL CARE INSTITUTION**

The purpose of this substantive policy statement is to inform the public that the Department may consider a residential care institution's pattern of noncompliance with a rule to be a "direct risk to the life, health or safety of patients or residents," as used in A.R.S. § 36-401(A)(42), even if a single violation of the rule is not considered to be a direct risk.

"Pattern of noncompliance" means:

1. A violation of a statute or a rule cited on more than one subsequent inspection; or
2. A violation of a statute or a rule cited on an inspection that affects more than one resident or personnel member.

A residential care institution's pattern of noncompliance with any of the following may result in a "direct risk to the life, health or safety of patients or residents":

1. Administration requirements in A.A.C. R9-10-703;
2. Abuse, neglect, and exploitation prevention and reporting requirements in A.A.C. R9-10-704;
3. Limitations on level of services in A.A.C. R9-10-705;
4. Personnel qualifications and records requirements in A.A.C. R9-10-706;
5. Personnel requirements in A.A.C. R9-10-708;
6. Service plan and health-related services requirements in A.A.C. R9-10-711;
7. A requirement for medications in A.A.C. R9-10-713;
8. Food services requirements in A.A.C. R9-10-715;
9. Physical plant requirements in A.A.C. R9-10-716;
10. Fire and safety requirements in A.A.C. R9-10-717;
11. Environmental standards in A.A.C. R9-10-718;
12. Supplemental requirements for assisted living homes in A.A.C. R9-10-719; or
13. Supplemental requirements for assisted living centers in A.A.C. R9-10-720.

In determining whether a pattern of noncompliance with any of the listed provisions results in a direct risk to the life, health or safety of patients or residents, the Department considers the following factors:

1. How many times each rule has been violated in the past,
2. The type of rule violations,
3. The severity of each violation,
4. The potential for and any occurrence of actual harm,
5. The threat to health and safety,
6. The number of persons affected by the violations,
7. The number of violations, and
8. The length of time the violations have been occurring.

This substantive policy is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.